

# Notice of Allowability

## Application No.

09/931,138

## Examiner

Brian R. Gordon

## Applicant(s)

DALKIDIS ET AL.

## Art Unit

1743

### -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1-26-04.
2. ☒ The allowed claim(s) is/are 30-35.
3. ☒ The drawings filed on 8-16-01 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with George L. Snyder on February 12, 2004.

The application has been amended as follows:

In the claims:

Cancel claims 20-22, 25-26, and 29.

Add the additional new claims below 30-35.

30. In an apparatus for treating cytological or histological specimens of a type having a plurality of conventional processing stations and a transport device for delivering said specimens into and out of said plurality of processing stations, the improvement comprising:

at least one heatable reagent station being provided as a processing station, said reagent station comprising a container having dimensions similar to those of a container of a conventional processing station and a thermally insulating holder for receiving said container, wherein said holder includes a recess in which said container is inserted and an electrical heating plate integrated into said holder.

31. In an apparatus for treating cytological or histological specimens of a type having a plurality of conventional processing stations and a transport device for delivering said specimens into and out of said plurality of processing stations, the improvement comprising:

at least one heatable reagent station being provided as a processing station, said reagent station comprising a container having dimensions similar to those of a container of a conventional processing station and a thermally insulating holder for receiving said container, wherein said holder is configured for receiving two or more said containers.

32. The improvement as defined in Claim 31, wherein said holder comprises two or more heating devices operating independently of one another.

33. In an apparatus for treating cytological or histological specimens of a type having a plurality of conventional processing stations and a transport device for delivering said specimens into and out of said plurality of processing stations, the improvement comprising:

at least one heatable reagent station being provided as a processing station, said reagent station comprising a container having dimensions similar to those of a container of a conventional processing station, a thermally insulating holder for receiving said container, and a pan in which said holder is positioned, wherein said holder comprises an electrical heating device and said pan comprises electrical connections for collection of said heating device to a power supply.

34. In an apparatus for treating cytological or histological specimens of a type having a plurality of conventional processing stations and a transport device for delivering said specimens into and out of said plurality of processing stations, the improvement comprising:

at least one heatable reagent station being provided as a processing station, said reagent station comprising a container having dimensions similar to those of a container of a conventional processing station, a thermally insulating holder for receiving said container, and a pan in which said holder is positioned, wherein said pan has an outflow fitting connectable to an outflow line.

35. A heatable reagent station for use as a processing station for treating cytological or histological specimens, said reagent station comprising:

a container having a thermally conductive base;

an electrical heating plate operatively connected to said base; and

a holder having a recess for receiving said container, said electrical heating plate being provided as part of said holder to contact said base when said container is inserted in said recess;

wherein said base includes a planar surface in contact with said heating plate.

***Allowable Subject Matter***

2. Claims 30-35 are allowed.

3. The following is an examiner's statement of reasons for allowance: The new claims are previously objected to claims 20-22, 25-26, and 29 now amended to be presented in independent form (see previous office action).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Gordon whose telephone number is 571-272-1258. The examiner can normally be reached on M-F, with 2nd and 4th F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

brg

  
Jill Warden  
Supervisory Patent Examiner  
Technology Center 1700